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Via Electronic Mail (*Fred Gage* (gage.fred@epa.gov))

January 5, 2009

Fred Gage
FOIA Specialist for Illinois
USEPA REGION 5
SM-4J
77 West Jackson Boulevard
Chicago, IL 60604-3507

**Re: Freedom of Information Act Request dated August 8,
2008 submitted by Jeep & Blazer, L.L.C. on behalf of
the City of Waukegan concerning Waukegan Harbor
USEPA ID # 05-RIN-01473-08**

Dear Mr. Gage:

Please reply to the August 8, 2008 FOIA Request concerning Waukegan Harbor that was submitted by our law firm on behalf of the City of Waukegan (enclosed as **Attachment 1**) and which has been assigned the ID No. of 05-RIN-01473-08 by USEPA. On August 8, 2008 we requested the following documents:

All documents of any kind, including, but not limited to, any and all communications, meeting notes, meeting minutes, meeting sign-in sheets, plans, proposals, drawings, and studies, from July 1, 2007 to the present, relating to or reflecting any planned or proposed removal or remedial action pursuant to the federal Superfund program, 42 U.S.C. 9601, et seq., in connection with Waukegan Harbor, including, but not limited to, any and all documents relating to or reflecting communications regarding such an action

with the Waukegan Port District, National Gypsum Co., Bombardier Motor Corporation of America, LaFarge North America, Inc., LaFarge Building Materials, Inc., St. Marys Cement, Inc., and the office of Congressman Mark Kirk, or anyone acting or purporting to act on their behalf.

Our August 8, 2008 Request pertained to the submerged lands in Waukegan Harbor (which includes, but is not limited to, Operable Unit #1 of the OMC Site), not the former OMC North Plant (Operable Unit #4 of the OMC Site). Please refer to page 3 of the October 2008 USEPA ROD Summary for Waukegan Harbor (**Attachment 2**) for a map identifying the Operable Units at the OMC Site. Also, please confer with Kevin Alder for further explanation of the distinction between the submerged lands in Waukegan Harbor and the OMC North Plant.

We have received two communications from USEPA in connection with the City's August 8, 2008 FOIA Request:

- On August 11, 2008 USEPA acknowledged receipt of the August 8, 2008 request (**Attachment 3**); and
- On September 9, 2008 you provided approximately 800 pages of documents, none of which were responsive to the City's August 8, 2008 FOIA request. Your September 9, 2008 transmittal letter (without enclosures¹) is enclosed as **Attachment 4**.

Your September 9, 2008 response transmitted documents pertaining to the North Plant, Operable Unit #4 of the OMC Site (and a site in Ohio). The September 9 response did not include any documents pertaining to the submerged lands in Waukegan Harbor and is therefore not responsive to the City of Waukegan's August 8, 2008 Request.

Please provide documents pertaining to the submerged lands in Waukegan Harbor in response to the City's August 8, 2008 Request. Please note, we have already received the following documents from Kevin Adler via electronic mail (on December 3, 2008) and your December 15, 2008 partial response to our November 14, 2008 FOIA Request

¹ The following documents were enclosed with your September 9, 2008 correspondence: 1) Administrative Record Index for the Park Hotel Site in Coshoton, Ohio; 2) August 2007 ROD for OMC Operable Unit #4 (Soil, Sediment and Building Demolition); 3) March 1, 2007 CH2M Hill Memo on groundwater remedy at Operable Unit #4; 4) March 2008 RI/FS Pilot Study Report for Operable Unit #4 (groundwater remedy); 5) March 2008 RI/FS Data Evaluation Summary Report for Operable Unit #4 (groundwater remedy)(including Appendices A, B, C and D); 6) August 2008 Fact Sheet for Operable Unit #4 (groundwater); and 7) August 2008 Fact Sheet for Operable Unit #4 (groundwater)(Spanish edition).

(assigned the ID No. of 05-RIN-00210-09 by USEPA):

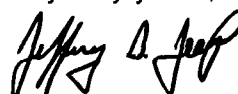
- July 2006 Risk Assessment;
- April 2008 FS;
- May 16, 2008 Memorandum from NOAA;
- May 19, 2008 letter from the CAG;
- September 30, 2008 Response to Comments by the National Review Board;
- October 2008 RIFS prepared by CH2M Hill;
- October 2008 ROD Summary; and
- October 13, 2008 Corrected Risk Assessment prepared by CH2M Hill.

Our November 14, 2008 FOIA Request is enclosed as **Attachment 5** and your December 15, 2008 partial response to that request (transmittal letter only) is enclosed as **Attachment 6**.

Finally, we enclose our email to you dated December 16, 2008 as **Attachment 7** confirming that USEPA will respond to the City's November 14, 2008 Request (USEPA ID No. of 05-RIN-00210-09) by January 25, 2009. We trust that USEPA will also provide a complete response to the City's August 8, 2008 FOIA Request relating to the submerged lands in Waukegan Harbor (USEPA ID # 05-RIN-01473-08) by January 25, 2008.

The public comment period of the proposed remedial alternative for the PCB contaminated sediments in Waukegan Harbor closes on February 4, 2009 (although the City has requested that the comment period be extended until March 4, 2009). Please let us know immediately if USEPA is unable to provide a complete response to City's August 8, 2008 FOIA Request (USEPA ID # 05-RIN-01473-08) by January 25, 2008.

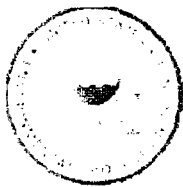
Very truly yours,



Jeffery D. Jeep

cc: K. Adler (USEPA)
M. Joyce (USEPA)

JDJ/me



<http://www.epa.gov/region5/answers/foia/efoia-form-thanks.htm>

Last updated on Thursday, July 17th, 2008.

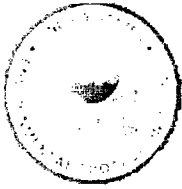
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Thank you

Thank you for your FOIA request

We've received your request and will respond within 20 business days.

Much EPA information is already available to the public without having to make a FOIA request.
[Learn about other ways to get information.](#)

<http://www.epa.gov/Region5/answers/foia/efoia-form.htm>

Last updated on Thursday, July 17th, 2008.

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Submit a FOIA Request

Please fill out the form below and click **Send FOIA Request** when you are done.

If you have trouble using this form, please e-mail your request directly to r5foia@epa.gov

[More information on FOIA](#)

Name
Organization
Mailing Address

City
State
Zip Code
E-mail
Phone Number

Description of Records

Provide a complete description of the records you are seeking in a way that will permit EPA employees to identify and locate them. If you are seeking records relating to a facility, site or regulated entity, please include the complete name and address of each property you are inquiring about.

All documents of any kind, including, but not limited to, any and all communications, meeting notes, meeting minutes, meeting sign-in sheets, plans, proposals, drawings, and studies, from

Any additional information

Many facilities deal with more than one environment which will assist in a more comprehensive record of Federal Superfund program (CERCLA), 42 USC 9601, et seq.

All documents of any kind, including, but not limited to, any and all communications, meeting notes, meeting minutes, meeting sign-in sheets, plans, proposals, drawings, and studies, from July 1, 2007 to the present, relating to or reflecting any planned or proposed removal or remedial action pursuant to the federal Superfund program, 42 U.S.C. 9601, et seq., in connection with Waukegan Harbor, including, but not limited to, any and all documents relating to or reflecting communications regarding such an action with the Waukegan Port District, National Gypsum Co., Bombardier Motor Corporation of America, LaFarge North America, Inc., LaFarge Building Materials, Inc., St. Marys Cement, Inc., and the office of Congressman Mark Kirk, or anyone acting or purporting to act on their behalf.

Fee Commitment in dollars

Indicate amount you are willing to reimburse the agency for fees incurred which exceed \$25.00 .

You will be informed if the estimated costs will exceed this limit.

\$500

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EPA Proposes Cleanup Plan For Harbor Pollution

Outboard Marine Corp. Waukegan Harbor Site

Waukegan, Illinois

October 2008

Share your opinions

If you are interested in the proposed Waukegan Harbor cleanup plan, please attend the upcoming public meeting on Thursday, Nov. 13, at the Waukegan Park District's Jane Addams Center from 6 to 8 p.m. (details on back page).

Written statements on the proposed plan can also be submitted during the public comment period that runs Nov. 3, 2008 – Jan. 5, 2009, through these methods:

- Orally or in writing at the public meeting.
- By mail (see enclosed comment form).
- Electronically via the Web at epa.gov/region5/publiccomment/.
- Via fax to Kevin Adler at 312-353-5541.

For more information

Mike Joyce

EPA Community Involvement
Coordinator
800-621-8431, Ext. 35546
8:30 a.m. - 4:30 p.m., weekdays
joyce.mike@epa.gov

Kevin Adler

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U.S. Environmental Protection Agency proposes to dredge contaminated sediment from Waukegan Harbor and store it in a special containment area on the former Outboard Marine Corp. Plant 2 site. EPA's recommended cleanup option is one of five alternatives considered to remove PCB-contaminated sediment (mud) left behind from a 1992 project. The sediment PCBs are a potential human health risk because they are accumulating in harbor fish. People are then catching and eating these fish. PCBs, or polychlorinated biphenyls, were once a common industrial compound. The compound usually is found as an oily liquid that does not dissolve very well in water. When this oily liquid is spilled, it tends to cling tightly to clay particles in mud, and therefore it can contaminate bottom feeders such as carp as they forage in the sediment for food. The PCBs also accumulate in game fish and their predators.

EPA has concluded the proposed cleanup techniques will protect human health and the environment, provide long-term effectiveness, comply with federal and state environmental regulations, and will be cost effective. The preferred cleanup plan will also preserve the present commercial, navigational and recreational uses of Waukegan Harbor as well as restore an important natural resource for the citizens of Waukegan and state of Illinois.

Before EPA makes a final decision it will accept written **public comments** on the cleanup plan from **Nov. 3, 2008 - Jan. 5, 2009**. EPA will hold a **public meeting from 6 - 8 p.m., Thursday, Nov. 13, at the Waukegan Park District's Jane Addams Center** to present the proposed plan. Written and oral comments on the proposed plan will be accepted at the meeting. Your opinion counts. Based on public input EPA could modify the preferred cleanup plan or pick another option.

This proposed plan fact sheet provides background information about the OMC Superfund site, describes the various cleanup options considered, and identifies EPA's recommended cleanup option. The public is encouraged to review the supporting information for the OMC site. The information includes the remedial investigation, the feasibility study and the site-wide human health and ecological risk assessment report. The remedial investigation studies the nature and extent of contamination at the site, while the feasibility study evaluates different cleanup options. The risk assessment looks at potential health risks to people and wildlife due to contamination at the site.

EPA's preferred cleanup plan includes using a hydraulic dredge to remove sediment from the harbor that contains PCB levels at 1 part chemical per million parts sediment and above. A part per million or ppm is a tiny amount, equal to one second in 12 days, but even small amounts of hazardous substances

Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, known as the Superfund Law) requires publication of a notice and a proposed plan for the site remediation. The proposed plan must also be made available to the public for comment. This proposed plan fact sheet is a summary of information contained in the remedial investigation, feasibility study, and other documents in the administrative record for the OMC Plant 2 site. They are available for review at the Waukegan Public Library, 128 N. County St.

can cause health problems for people and animals. Under EPA's preferred cleanup alternative, the dredged sediment would be pumped to the nearby OMC Plant 2 site into a containment area to be dewatered and then covered with clean soil. Water removed from the sediment would be filtered and then discharged back into the harbor. As effective as this method is, however, not all PCBs can be removed this way. So, after the dredging step is completed, a thin layer of clean sand will be placed on the bottom of the harbor to dilute the very small amounts of leftover PCBs. For safety reasons, dredging will also avoid areas too close to the harbor walls to avoid the potential for collapse. Instead, a thick, armored cap (layer of rocks) will be placed on the sediment near the walls to prevent contact with the PCBs by bottom-feeding fish.

About the OMC site

The OMC Superfund site is located on Seahorse Drive and Waukegan Harbor in Waukegan, Lake County, Ill. (Figure 1, Page 3). EPA sometimes divides complex cleanup sites into smaller parts called operable units, or OUs. The OMC site contains four OUs. OU1 is the Waukegan Harbor site; OU2 is the Waukegan Manufactured Gas and Coke Plant site; OU3 is the PCB containment cells; and OU4 is the OMC Plant 2 site. The city of Waukegan now owns much of the OMC property.

EPA began cleanup work at the OMC Superfund site in the early 1980s. The state had documented PCB contamination in Waukegan Harbor in the mid-1970s, and the site was placed on the first Superfund National Priorities List in October 1981. After studying area PCB levels in sediment and soil, EPA issued a document called a "record of decision" in 1984 that selected the first harbor cleanup action using a 50 parts per million PCB cleanup level. OMC then spent about \$21 million to clean up the harbor during 1990 – 1992 by dredging the north harbor area and placing the dredged material into former Boat Slip #3 after it was converted into a containment cell.

OMC also dug up PCB-laden soil on the north side of its Plant 2 property and placed it into two newly created containment cells located on the north side of Plant 2. OMC thermally treated some of the dredged sediment prior to placement into the containment cells and was able to recover more than 30,000 gallons (about 300,000 pounds) of PCB-tainted oil from the sediment. The PCB-oil was trucked off-site for destruction.

As part of the harbor cleanup, OMC constructed Boat Slip #4 to replace former Boat Slip #3 for Larsen Marine Service. Some of the soil excavated from Boat Slip #4 contained creosote, leading to the discovery of the long-forgotten Waukegan Coke Plant site. The coke plant area is being cleaned up by several former owner/operators under

EPA supervision and is not the subject of this proposed cleanup plan.

Until it declared bankruptcy in 2000, OMC was in charge of inspecting and maintaining the three PCB containment cells. EPA and then Illinois EPA performed these tasks until mid-2005 when the city of Waukegan assumed responsibility for this work. The city purchased the Waukegan Coke Plant property from OMC in 2002. After OMC legally abandoned OMC Plant 2 in 2002, the city acquired this property in 2005. Waukegan wants to redevelop these former OMC properties in accordance with the lakefront redevelopment plan it completed in 2003.

The OMC Plant 2 building was a 1-million-square-foot facility where the company made outboard motors from about 1948 until 2000. The building was abandoned in 2002. From 1961 until 1972, the production lines of Plant 2 used hydraulic and lubricating oils containing PCBs. OMC discharged waste oils from Plant 2 through its sewer line into the harbor, which was the source of the PCB contamination in Waukegan Harbor sediment. OMC plugged the sewer line in 1976.

In 2004 EPA began to study the nature and extent of soil and ground-water contamination at the OMC Plant 2 facility. EPA issued a record of decision for cleanup of the contaminated soil and building in September 2007 and also issued a proposed cleanup plan for contaminated ground water this August. EPA's first cleanup plan for the OMC Plant 2 site addressed the contaminants (mostly PCBs) found within large portions of the OMC Plant 2 building and in soil and sediment outside the facility. The plan called for EPA to demolish and dispose of the contaminated building and to excavate and dispose of contaminated soil and sediment. EPA has completed the design plans and specifications for this work.

Summary of site contamination

In 2003, EPA began to study the nature and extent of remaining PCB contamination in Waukegan Harbor sediment. A pair of pollution reports called the "remedial investigation and feasibility study" were completed this summer. Sample results indicate the harbor contains about 220,000 cubic yards of sediment, with average PCB levels at 2 to 3 parts per million. Figure 2, (Page 4) presents the locations and results of the recent harbor sediment sampling for PCBs. While PCB levels in harbor-caught fish went down after the first cleanup action, recent fish sampling results show PCB concentrations in fish are still above acceptable levels.

Summary of site risks

EPA also completed a study at the Waukegan Harbor site of potential risks to public health, wildlife and the

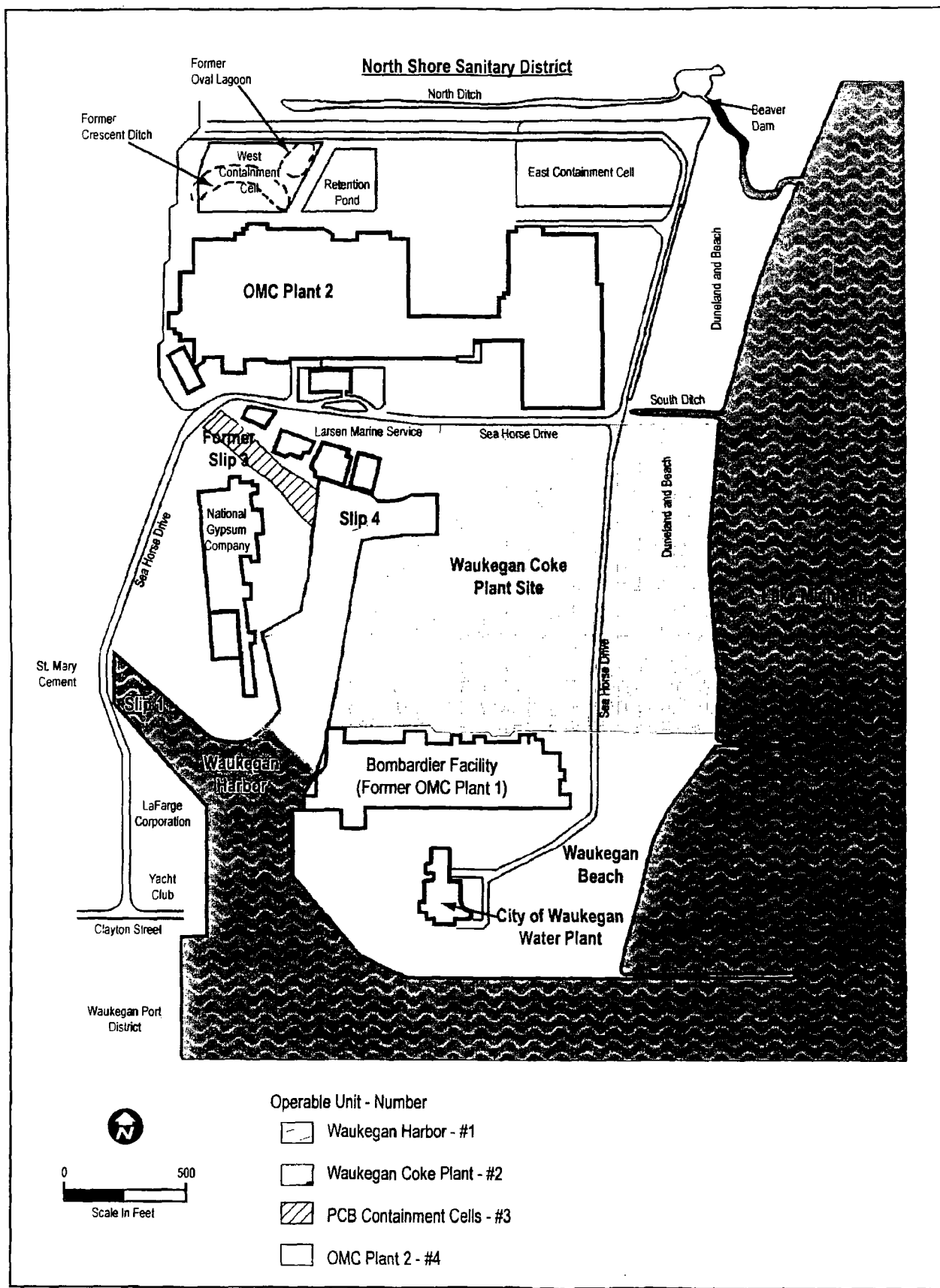


Figure 1 - OMC Superfund site and area features

environment. PCBs are suspected of causing cancer, but they can also trigger non-cancerous health issues. EPA calculated that eating harbor-caught fish containing elevated PCB levels would pose unacceptable, non-cancerous health risks to people. Currently, as little as one meal per week of harbor-caught fish could lead to PCB exposures in adults that are 3- to 11-times higher than thought to be safe. Infants and children are more sensitive to PCBs so if they eat one meal per week of harbor-caught fish the PCB exposures would be 8- to 28-times higher than safe levels.

Cleanup goals

Based on cleanup work done at similar sites, EPA expects if PCB levels in Waukegan Harbor sediment are reduced

to one-tenth their current levels, then concentrations of the toxic compound in harbor-caught fish would begin to decline to safe levels. EPA recognizes Waukegan Harbor has certain commercial, navigational and recreational uses that any cleanup plan should try to preserve.

Summary of cleanup options

EPA considered five cleanup options or alternatives for the PCB-contaminated harbor sediment. Each option was evaluated against nine criteria as required by Superfund law (see Page 5). The five cleanup options are summarized below. Full details are available in the technical documents on file in the OMC site administrative record that EPA established at the Waukegan Public Library.

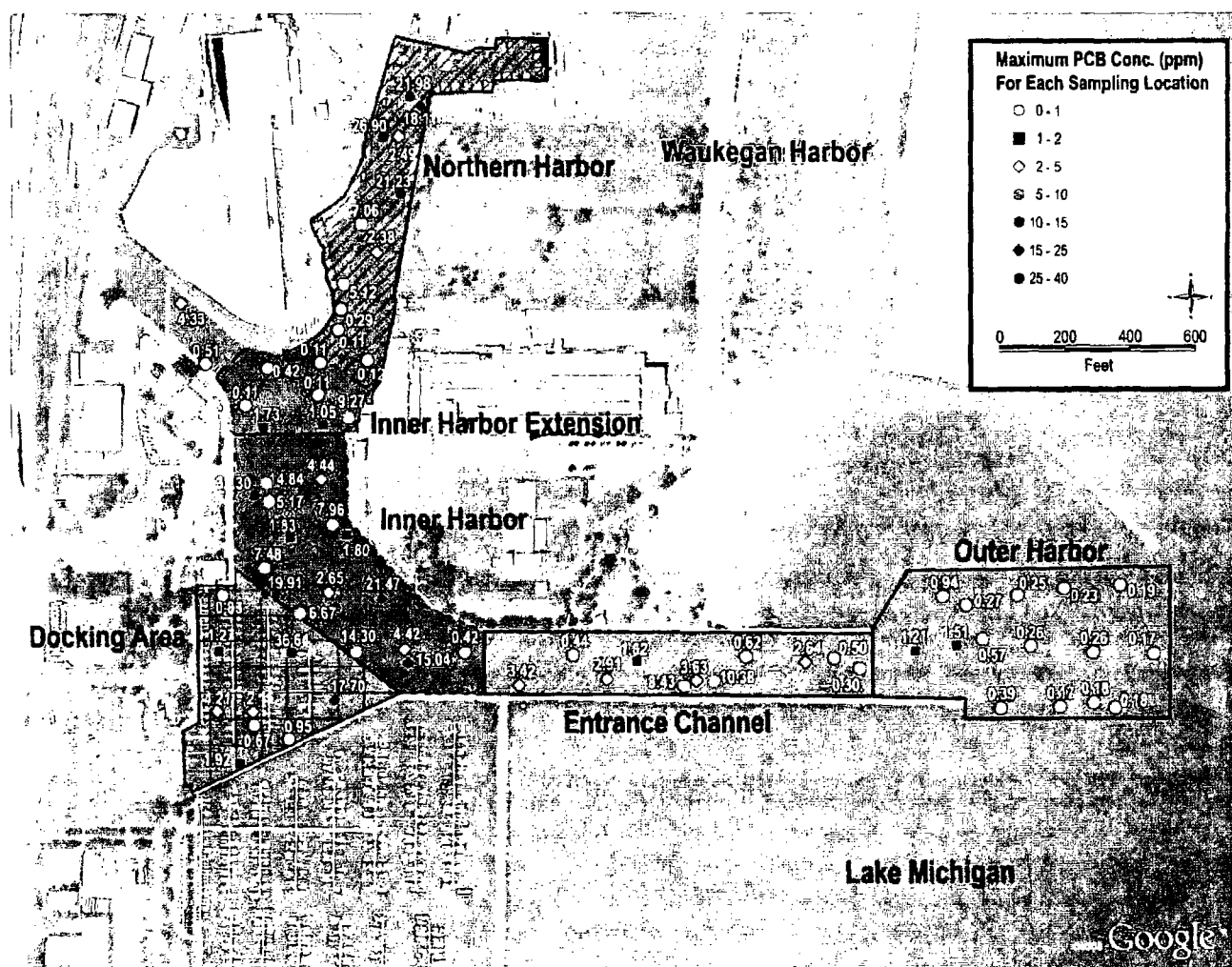


Figure 2 - PCB concentrations in Waukegan Harbor

Evaluating the options

EPA used the following nine criteria to evaluate each of the five cleanup options. The table on Page 7 compares each one against these criteria:

- 1. Overall Protection of Human Health and the Environment** addresses whether an option adequately protects human health and the environment. This criterion can be met by reducing or eliminating contaminants, or by reducing people's exposure to them.
- 2. Compliance with Applicable or Relevant and Appropriate Requirements**, referred to as ARARs, ensures that each project complies with federal, state and local laws and regulations.
- 3. Long-term Effectiveness and Permanence** evaluates how well an option will work in the long term, including how safely remaining contaminants can be managed.
- 4. Reduction of Toxicity, Mobility, or Volume through Treatment** addresses how well the option reduces the harmful effects, movement and amount of contaminants through permanent treatment methods.
- 5. Short-term Effectiveness** evaluates how quickly the cleanup can be done, as well as its potential impacts on cleanup workers, area residents, and the environment.
- 6. Implementability** evaluates the technical difficulty in building and operating the cleanup system and whether materials and services are routinely available to complete the project.
- 7. Cost** includes estimated capital or startup costs. An example is the cost of buildings, treatment systems and monitoring wells. It also considers cost to implement the cleanup and operate and maintain it over time. Examples include laboratory analysis, repairs, and personnel hired to operate equipment. A cleanup is considered cost effective if its costs are proportionate to its overall effectiveness.
- 8. State Acceptance** is whether the state environmental agency, in this case Illinois EPA, agrees with EPA's recommended option.
- 9. Community Acceptance** evaluates how well the community near the site accepts the option. EPA and Illinois EPA will evaluate community acceptance after the public comment period.

The five harbor cleanup options are explained below:

Option D1: No further action

EPA uses the no-action option as a basis for comparison with other cleanup options. Under this option, EPA would take no action to remove or contain the PCBs in the harbor sediment. The potential health risks due to people eating PCB-contaminated, harbor-caught fish would remain for at least 100 years. The state-issued fish consumption advisories for the harbor would also stay in effect. **Cost: \$0**

Option D2: Environmental dredging with residual sand cover (EPA's recommended cleanup option)

Under Option 2, EPA's recommended cleanup option, the harbor would be hydraulically dredged to remove PCB-contaminated sediment at levels of 1 part per million and above. The dredged sediment would be pumped to the OMC Plant 2 property to be dewatered where it would then remain, covered with a clean soil layer. The water derived from the dredged sediment would be filtered and then discharged back to the harbor. After dredging

is completed a thin, clean sand layer would be placed in the harbor to allow for mixing with remaining sediment to achieve the final PCB cleanup goal. Sediment very near to the sidewalls of the harbor cannot be removed and would be capped with armored materials. After EPA completes the design stage and when funding is available, construction activity for Option 2 could be completed in about 12 months. EPA estimates the PCB levels in harbor-caught fish will begin to fall to safe levels within five years of completion. The estimated cost to implement this option includes periodic monitoring and maintenance expenses related to the soil cover and demonstrating that PCB levels in fish are falling. **Cost: \$34.9 million**

Option D3: Environmental dredging with sand cover, cap north harbor and Slip #4

Under this alternative, the harbor would be hydraulically dredged as described in Option 2 except for the northern harbor extension and Slip #4. Instead of dredging, a 2- to 3-foot sand and gravel cap would be placed over the PCB-tainted sediment in these areas to create a barrier

between the PCBs and bottom feeders. Institutional controls would be placed on the capped area so that future uses of the harbor would not interfere with the cap. After EPA completes the design stage and when funding is available, construction activity for Option 3 could be completed in about 12 months. EPA estimates PCB levels in harbor-caught fish will begin to fall to safe levels within five years of completion. The cost includes periodic monitoring and expenses related to five-year reviews at the site. **Cost: \$33 million**

Option D4: Environmental dredging with cap

Under Option 4, the harbor would be hydraulically dredged only in areas that exceed the 1 part per million cleanup level. An armored cap would then be placed into the channel to isolate remaining PCB-tainted sediments. Current harbor depths would not be affected after the cleanup is completed. Placement of the armored cap, however, would tend to discourage future dredging activities to increase harbor depths. Institutional controls would be placed on the capped area so that future uses of the harbor would not interfere with the cap. After EPA completes the design stage and when funding is available, construction activity for Option 4 could be completed in about 12 months. EPA estimates PCB levels in harbor-caught fish will begin to fall to safe levels within five years of completion. The cost includes periodic monitoring and expenses related to five-year reviews at the site. **Cost: \$24.4 million**

Option D5: Cap entire harbor

With this alternative, nearly the entire harbor would be covered with a 3- to 5-foot sand and gravel cap or an armored cap to isolate the PCB-tainted sediment. The current depths would not be maintainable. Institutional controls would be placed on the capped area so that future uses of the harbor would not interfere with the cap. After EPA completes the design stage and when funding is available, construction activity for Option 5 could be completed in about 12 months. EPA estimates that PCB levels in harbor-caught fish will begin to fall to safe levels within five years of completion. The cost includes periodic monitoring and expenses related to 5-year reviews at the site. **Cost: \$9.6 million**

How do the options compare?

EPA evaluated the cleanup options against seven of the nine cleanup criteria. The state and community acceptance criteria will be evaluated after EPA receives public comments. The degree to which the cleanup options meet the evaluation criteria and how they compare to other cleanup options are discussed below and illustrated in the table on Page 7.

Option 1 (no action) does not protect human health and the environment and was rejected. Options 2, 3, 4, and 5

Review OMC site-related documents

Waukegan Public Library
Reference Desk
128 N. County St.

EPA Region 5 Record Center
77 W. Jackson Blvd., 7th Floor
Chicago, Ill., weekdays 8 a.m. – 4 p.m.

Certain EPA information, including this fact sheet, can be reviewed electronically at: www.epa.gov/region5/sites/outboardmarine.

An administrative record, which contains detailed information upon which the selection of a cleanup plan will be based, is also located at the Waukegan Public Library and at the EPA Chicago office.

protect human health and the environment because EPA estimates PCB levels in harbor-caught fish will begin to fall to safe levels within five years of the completion of any of these cleanup actions.

Although Option 5 is the least expensive cleanup method, it would tend to make the harbor channel too shallow for industrial users to cost-effectively bring in raw materials needed to manufacture their products. Option 4 is the second least expensive method and would maintain the current harbor depth. However, because much of Waukegan Harbor is a federally-authorized channel, EPA would likely be legally prevented from conducting either Option 4 or Option 5 if future depth maintenance activities cannot be performed.

Option 2 and Option 3 would cost nearly the same amount to conduct and are the most expensive cleanup methods that were evaluated. Each would allow continued commercial, navigational and recreational use of the harbor and future depth maintenance or dredging actions because the bulk of the PCB-tainted sediment would be removed. EPA believes Option 2 is superior over Option 3 because that alternative allows more PCB-tainted sediment to be permanently removed from the harbor with reduced capping or cover maintenance. Full dredging of Waukegan Harbor could also have important redevelopment benefits for the community

Waiver issue

All dredging options would require waiver of the state ammonia discharge standard to allow in-harbor discharge of water derived from the dredged sediment. The dredge water will contain levels of ammonia that are typically considered too high to discharge directly into Lake Michigan without treatment. The ammonia results when naturally-occurring organic material in the sediment breaks down. It is not practical to eliminate ammonia

from the estimated 5,000 gallons of water per minute that will be removed from the dredged sediment prior to discharge. However, EPA plans to filter the water to remove any solid particles before the water is discharged through a diffuser into the harbor. The diffuser will dilute the ammonia in harbor water so that little or no harm to aquatic life in the harbor would occur while dredging is ongoing.

EPA's recommended option and next steps

Based on the analysis completed to date, EPA believes the best cleanup alternative for the harbor sediment

contamination is Option 2: environmental dredging with residual sand cover. The total cost of conducting this cleanup option is an estimated at \$34.9 million.

After the public comment period and meeting EPA will make a final decision on the cleanup option. The Agency will publish its decision in a newspaper announcement and in a record of decision, which will be available for review at the Waukegan Public Library.

After selection of the harbor cleanup option, EPA will put together the design plans and specifications for bidding the work. This step could take about 9 to 12 months to complete before actual cleanup work begins.

Evaluation criteria for the cleanup of soil under the OMC Plant 2 Site

Criterion	Option 1 No Action	Option 2 Complete Dredge**	Option 3 Combination Dredge plus Cap	Option 4 Partial Dredge plus Cap	Option 5 Complete Cap
Overall protection of human health and the environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Meets ARARs	Not Applicable	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Long-term effectiveness and permanence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Reduction of toxicity, mobility, or volume through treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Short-term effectiveness	<input type="checkbox"/>	12 months to complete	12 months to complete	12 months to complete	12 months to complete
Implementability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cost (Present worth)	\$0	\$34.9 million	\$33 million	\$24.4 million	\$9.6 million
State acceptance	Will be evaluated after the public comment period				
Public acceptance	Will be evaluated after the public comment period				

☒ Fully meets criteria

☐ Partially meets criteria

☐ Does not meet criteria

*EPA's recommended option

OUTBOARD MARINE CORP: EPA Proposes Cleanup Plan For Harbor Pollution

FIRST CLASS

United States
Environmental Protection
Agency
Region 5
Superfund Division (P-19J)
77 W. Jackson Blvd.
Chicago, IL 60604



You're Invited to a Public Meeting about the Proposed Cleanup of the Waukegan Harbor Site

Thursday, Nov. 13, 2008

6 - 8 p.m.

Waukegan Park District – Jane Addams Center

95 Jack Benny Drive

Waukegan, Illinois

At the meeting, EPA will present the proposed cleanup plan, and you will have a chance to comment for the record. You also may submit your written comments at the meeting.

If you need special accommodations for the public meeting, contact EPA Community Involvement Coordinator, Mike Joyce at 800-621-8431, Ext. 35546, 8:30 a.m. - 4:30 p.m., weekdays, or e-mail joyce.mike@epa.gov.

If you have scientific and technical questions about the proposed cleanup, you may contact EPA Remedial Project Manager Kevin Adler at 800-621-8431, Ext. 67078, 8:30 a.m. - 4:30 p.m., weekdays, or e-mail adler.kevin@epa.gov.

Comments may be faxed to Kevin Adler at 312-886-4071 or submitted via the Web at:
epa.gov/region5/publiccomment/.

Fold on Dashed Lines, Tape, Stamp, and Mail

Name _____

Address _____

City _____ State _____

Zip _____

Place Stamp Here

Kevin Adler
Remedial Project Manager
EPA Region 5 (SR-6J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

Comment Sheet _____

U.S. Environmental Protection Agency is interested in your comments on the proposed cleanup plan for the OMC Waukegan Harbor site. EPA will consider public comments before selecting a cleanup action for the Waukegan Harbor. Please use the space below to write your comments, then fold and mail this form. Comments must be postmarked by Jan. 5, 2009. If you have general questions, contact EPA Community Involvement Coordinator, Mike Joyce at 312-353-5546, or through EPA's toll-free number at 800-621-8431. You may also submit your comments to EPA via the Web at epa.gov/region5/publiccomment.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Name _____

Address _____

City _____ State _____

Zip _____

ATTACHMENT 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

August 11, 2008

Michael Blazer
Jeep & Blazer, LLC.
24 N. Hillside Avenue Suite A
Hillside, Illinois 60162

Subject: FOIA #: 05-RJN-01473-08

Dear Mr. Blazer:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request under 5 U.S.C. 552, seeking records related to:

Waukegan Harbor

The Agency has twenty (20) working days to respond to your request, except when you have agreed to an alternate due date or unusual circumstances exist that would require an extension of time under 5 U.S.C. 552 (a) (6) (B). The 20 working days to respond to your request is September 09, 2008.

The program(s) office(s) that have been assigned this request will be responding to you directly.

If you have any questions, please contact our office at (312) 886-6686 or by e-mail at: r5foia@epa.gov. Please provide your FOIA request number in all communications.

Sincerely,

Anna Rzeznik
Resources Management Division
Information Management Branch
Freedom of Information Officer
R5foia@epa.gov
Fax (312)886-1515
312-886-6686

ATTACHMENT 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

SEP 09 2008

SRC-7J

Michael S. Blazer
Jeep & Blazer, LLC
24 North Hillside Avenue, Suite A
Hillside, IL 60162

Re: Freedom of Information Act
Request Identification Number: 05-RIN-01473-08
Site/Project/File Number: OMC Waukegan Harbor, Waukegan, IL.

Dear Mr. Blazer:

The enclosed documents are responsive to your Freedom of Information Act (FOIA) request dated August 08, 2008.

- () No charge is applicable for processing your request because the cost did not exceed the \$14 minimum.
- (x) Enclosed with this response is a Bill for Collection in the amount of \$22.00 that covers photocopying, search and review time for the enclosed documents. This bill cannot be waived in the event the material is returned to the United States Environmental Protection Agency (U.S. EPA). The charges were confirmed on **August 08, 2008**.
- () This request met the Fee Waiver requirements.

The Superfund Record Center located in Room 711 at the U.S. EPA Office is open to the public Monday through Friday 8:00 a.m. to 4:00 p.m. Additional information can be obtained online at http://www.epa.gov/region5superfund/sfd_foia.htm.

In an effort to improve our service to you, we are conducting a survey. Please complete the enclosed Customer Service Card and return it to us.

10/18/2002

Should you have questions or need additional assistance, you may contact me at (312) 353-3167. All other matters should be directed to Janet Pfundheller, Acting Chief, Documents Management Section at (312) 353-5821.

Sincerely,

A handwritten signature in black ink that reads "Fred D. Gage". The signature is written in a cursive style with a horizontal line under the first name.

Frederick D. Gage
FOIA Specialist for Illinois
Documents Management Section
Superfund Division

Enclosure(s)

cc: Region 5 FOIA Office, MRI-9J
FOIA File
Cincinnati Finance Office

DOCUMENTS TO THE REQUESTOR

Site Name: Parsons Casket Hardware Company

<u>Documents</u>	<u>Date</u>	<u>Page(s)</u>
CD-ROM / Document List	August 14, 2008	1-cd



United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

BILL FOR COLLECTION	BILL NO. 05-RIN-01473-08
BUREAU/OFFICE FOR REMITTANCE PAYABLE U.S. Environmental Protection Agency FOIA and Miscellaneous Payments Cincinnati Finance Center	DATE 09/09/2008
ADDRESS FOR MAILING PAYMENT P. O. Box 979078 St. Louis, MO 63197-9000	AMOUNT OF PAYMENT \$22.00

PAYER

Micheal S. Blazer
JEEP & BLAZER, LLC
24 N. HILLSIDE AVENUE, SUITE A
HILLSIDE IL 60162

(708) 236 - 0830

DETACH AND RETURN
THIS PART OF BILL
WITH REMITTANCE.

Per your Freedom of Information Act request of 08/11/2008

Site/Subject WAUKEGAN HARBOR IN WAUKEGAN, ILLINOIS

Project/File # _____

If you have any questions, please contact: Portrice Vernon at (312)353-1063.

DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
Computer Search & Production			
CDs	1.00	1.00 \$/CD	1.00
Search Time			
Professional Personnel	0.25	28.00 \$/Hr	7.00
Review Time			
Professional Personnel	0.50	28.00 \$/Hr	14.00
TOTAL:			\$ 22.00
AMOUNT DUE :			\$ 22.00

IMPORTANT: A receipt will be issued for all cash remittances and for all other remittances when required by applicable procedures. Failure to receive a receipt for cash payment should be promptly reported to the bureau or office shown above.

ORIGINAL BILLING ☒

OFFICIAL RECEIPT ()

ACCOUNTING COPY ()

ADMINISTRATIVE OR BILLING COPY (1) (2) (3)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY-Region 5
FREEDOM OF INFORMATION ACT (FOIA)
FEE SCHEDULE AND PAYMENT PROCEDURES
EFFECTIVE August 4, 2008

NOTICE TO REQUESTOR:

Payment should be made by check or money order, payable to the U. S. Environmental Protection Agency. To ensure proper credit of your payment, please write the Freedom of Information Act Request Identification Number (RIN) on the check or money order.

U.S. Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
P. O. Box 979078
St. Louis, MO 63197-9000

ON LINE PAYMENT INFORMATION: There is now an **On Line Payment Option** available through the Department of the Treasury at: <https://www.pay.gov>. Enter "SFO 1.1" in the Search Public Forms field to access the EPA Miscellaneous Payments –Cincinnati Finance Center form. Follow the instructions for payment.

In accordance with U.S. Treasury (I TFM 6-8000) and the Debt Collection Act of 1982, payment is due within 30 calendar days of the bill date. If payment is not received within the 30 days, interest at the rate of 3% will be assessed from the date of the bill through the date of payment. A late payment handling charge of \$15.00 will be imposed after 30 days and an additional charge of \$15.00 for each subsequent 30-day period. A 6% per annum penalty will be applied on any principal amount not paid within 90 days of the due date. Bills will be referred to the Department of the Treasury for collection after 120-150 days. *(Please allow 5 days for the mail to reach our office).*

Your request has been categorized as:

- ☒ **COMMERCIAL USE REQUEST:** requestor charged for search, review, and duplication costs.
- ☐ **EDUCATIONAL & NON-COMMERCIAL SCIENTIFIC INSTITUTIONS:** requestor charged for duplication costs excluding first 100 pages.
- ☐ **REPRESENTATIVE OF THE NEWS MEDIA:** requestor charged for duplication costs excluding the first 100 pages.
- ☐ **ALL OTHER REQUESTS:** requestor charged for search and duplication time excluding the First two hours of search time , all review time and the first 100 pages of duplication.

OMC - FOIA

ADMINISTRATIVE RECORD SITE INDEX - PARK HOTEL - REMOVAL ACTION - ORIGINAL

CH2M HILL - ENHANCED IN SITU BIOREMEDIATION PILOT STUDY REPORT FOR RI/FS OMC PLANT 2 SIT

CH2M HILL - DATA EVALUATION SUMMARY REPORT FOR RI/FS

CH2M HILL MEMO RE: DENSE NON-AQUEOUS PHASE LIQUID INVESTIGATION FOR OMC PLANT 2 (OU-4)

RECORD OF DECISION (ROD) - SIGNED - OUTBOARD MARINE CORP - SELECTED REMEDIAL ALTERNAT

EPA FACT SHEET - EPA PROPOSES CLEANUP PLAN FOR OMC PLANT 2 SITE (ENGLISH)

EPA FACT SHEET - EPA PROPOSES CLEANUP PLAN FOR OMC PLANT 2 SITE (SPANISH)

CH2M HILL - SUPPLEMENTAL FS REPORT

From: Derek B. Rieman
To: "r5foia@epa.gov";
cc: "gage.fred@epa.gov"; "adler.kevin@epa.gov"; "martin.thomas@epa.gov";
Subject: FOIA Request
Date: Friday, November 14, 2008 4:47:00 PM

Please review the following FOIA request for documents related to the Outboard Marine Corporation Superfund Site EPA ID# ILD000802827:

Any and all documents, including but not limited to, all legal analysis, legal and nonlegal memoranda, legal research, and all inter-agency and third party written and electronic correspondence regarding whether there are any obligations under Superfund that take precedent over any other statute which authorize the depths of navigable waterways and Mr. Adler's statement at the November 13, 2008 Waukegan Harbor clean up plan public hearing in which he claimed there are conflicting legal opinions on whether human health and the environment trump navigational interests at the Waukegan Harbor.

Our firm is willing to reimburse the agency for fees incurred which exceed \$25.00. Please inform me if the projected cost for production of documents exceeds \$1,000.00

Thank you for your time and consideration.

Kind regards,

Derek B. Rieman
Jeep & Blazer, L.L.C.
Environmental Law
24 N. Hillside Avenue, Suite A
Hillside, Illinois 60162
(708) 236-0830 (Office)
(708) 236-0828 (Fax)

dbrieman@enviroatty.com

This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged, including any attachments, contains information that is confidential, may be protected by the attorney/client or other applicable privileges, and may constitute non-public information. This message is intended to be conveyed only to the designated recipient(s). If you are not the intended recipient of this message, please immediately notify the sender that you have received this message in error and delete this message. Unauthorized use,

disclosure, dissemination, distribution or reproduction of this message or the information contained in this message or the taking of any action in reliance on it is strictly prohibited and may be unlawful. Thank you for your cooperation.

ATTACHMENT 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 15 2008

REPLY TO THE ATTENTION OF:
SRC-7J

Derek B. Rieman
Jeep & Blazer, LLC
24 N. Hillside Avenue, Suite A
Hillside, IL 60162

Re: Freedom of Information Act
Request Identification Number: 05-RIN-00210-09
Site/Project/File Number: Outboard Maine Corporation, Waukegan, IL

Dear Mr. Rieman:

The enclosed documents are a partial response to your Freedom of Information Act (FOIA) request dated November 14, 2008. Although with this response, the U.S. EPA does not necessarily agree with your characterization of Mr. Alder's comments at the November 13, 2008, Waukegan Harbor Public hearing.

- (x) No charge is applicable for processing your request because the cost did not exceed the \$14 minimum.
- () Enclosed with this response is a Bill for Collection in the amount of \$ _____ that covers photocopying, search and review time for the enclosed documents. This bill cannot be waived in the event the material is returned to the United States Environmental Protection Agency (U.S. EPA). The charges were confirmed on _____.
- () This request met the Fee Waiver requirements.

The Superfund Record Center located in Room 711 at the U.S. EPA Office is open to the public Monday through Friday 8:00 a.m. to 4:00 p.m. Additional information can be obtained online at http://www.epa.gov/region5superfund/sfd_foia.htm.

In an effort to improve our service to you, we are conducting a survey. Please complete the enclosed Customer Service Card and return it to us.

- 2 -

Should you have questions or need additional assistance, you may contact me at (312) 353-3167. All other matters should be directed to Dr. Carolyn D. Bohlen, Chief, Documents Management Section at (312) 886-6541.

Sincerely,

Fred D. Gage

Frederick D. Gage
FOIA Specialist for Illinois
Documents Management Section
Superfund Division

Enclosure(s)

cc: *Region 5 FOIA Office, MRI-9J*
FOIA File

DOCUMENTS TO THE REQUESTOR

Document Type	Date	Pages
Memorandum-Response to National Remedy Review Board Recommendations for the Waukegan Harbor Operable Unit of the Outboard Marine Corp.	09/30/2008	10
Memorandum-NOAA OR&R, Region 5	05/16/2008	3

ATTACHMENT 7

Derek B. Rieman
Jeep & Blazer, L.L.C.
Environmental Law
24 N. Hillside Avenue, Suite A
Hillside, Illinois 60162
(708) 236-0830 (Office)

(708) 236-0828 (Fax)

dbrieman@enviroatty.com

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